



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
FILLMORE FIELD OFFICE  
35 East 500 North  
Fillmore, UT 84631  
<http://enbb.blm.interwebdesign.com>



IN REPLY REFER TO:  
3800  
(U-010)  
UTU-078289

RECEIVED

NOV 22 2000

DIVISION OF  
OIL, GAS AND MINING

November 20, 2000

MERT HAMILTON  
ASSOCIATE  
ROCANVILLE/WING  
PO BOX 35  
DELTA UT 84624

Dear Mr. Hamilton:

We have received a Notice of Intent to Transfer from the Utah Division of Oil, Gas, and Mining, in which part of Levin Stone's Notice case file serialized UTU-078278 has been transferred to your company: Rocanville/Wing. The portion transferred to Rocanville/Wing is described as the E/2W/2NW/4SE/4 and the W/2E/2NE/4NW/4 of Section 34, T. 17 S., R. 13 W, and is comprised of about two acres of disturbance.

Since this was not a complete transfer, Levin Stone's case file will remain UTU-078278, and Rocanville/Wing's portion will be serialized UTU-078289. Please use this number in any future correspondence concerning this notice.

If you change your operation from what is described in Levin's notice, you are required to contact this office prior to the change. A copy of Levin's notice has been enclosed. If your operation extends for more than one year, please advise this office on the status of your mining related activity on the anniversary date of your notice.

We are of the preliminary opinion the deposit you are mining is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you sign a contract with the Bureau of Land Management to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone.

The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

If you are selling any minerals extracted during your mining activities, the U. S. Department of Labor, Mine Safety and Health Administration (MSHA) may consider your operation to be under its jurisdiction. We recommend you contact them at:

USDOL Mine Safety and Health Administration  
125 South State, Room 8220  
Salt Lake City, UT 84138

Also, all mining claimants and operators intending to use, store, or divert water are required by Utah and Federal statute to notify the following agencies:

Utah Department of Water Resources  
1636 West North Temple  
Salt Lake City, Utah 84180-1203



and

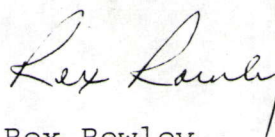
U. S. Army Corps of Engineers  
Utah Regulatory Office  
1403 South 600 West, Suite A  
Bountiful, Utah 84010

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands and reclamation is required at the earliest feasible time. Please notify this office upon completion of operations and reclamation so an inspection may be conducted on the site. Reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

If you have any questions regarding this letter, please feel free to contact Larry Garahana at (435) 743-3126 or Jerry Mansfield at (435) 743-3125.

Sincerely,



Rex Rowley  
Field Manager

Enclosures:

Levin Stone's Notice

cc: **D. Wayne Hedberg**, UDOGM (S/027/090)  
Van Falls, 100 E 424 S, Delta, UT 84624  
Fred and Kelly Hurd, Box 4, Williams, AZ 86046  
Shari and Lyle Levin, Box 495, Ash Fork, AZ 86320  
Pam and Philip Levin, 345 E. Sheridan, Williams, AZ 86046  
Nephi Miller, 390 N Main, Hinckley, UT 84635